HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P.(S) No. 4882 of 2006

Petitioners	1.	Mohit Kumar Deshmukh, aged *about 61 years, S/o* Late *Ummed* Singh Deshmukh.
	2.	Angarak Deo, Aged about 22 years, S/o Mohit Kumar Deshmukh.
	3.	Bharati, Aged about 24 years, D/o *Mohit Kumar Deshmukh,*
		All resident of : H.I.G. -23, Padmanabhpur , Durg, Tahsil and *District Durg (C.G.)*
	Versus	
Respondents	1.	Municipal Corporation, Bhilai, *Through : Commissioner, Municipal* Corporation Bhilai, Tahsil & District – Durg (C.G.)
	2.	State of Chhattisgarh, Through : Collector Durg, Tahsil & District Durg (C.G.)
	3.	Tahsildar, Durg, Tahsil – Durg (C.G.)

WRIT PETITION UNDER ARTICLES 226 OF THE COSTITUTION OF INDIA

SB: Hon'ble Mr. Justice Satish K. Agnihotri

Shri V. G. Tamaskar, Advocate for the petitioners.

Shri H. B. Agarwal, Senior Advocate with Miss Sangeeta Mishra, Advocate for the respondent No.1.

Shri V. V. S. Murthy, Deputy Advocate General with Miss Deepali Pandey, Panel Lawyer for the respondents No. 2 and 3.

ORDER

(Passed on this 19th day of April, 2007)

1. Learned counsel appearing for the petitioners submits that the Municipal Corporation, Bhilai has installed a tube-well on the private land of the petitioner.
2. Learned counsel appearing for the respondent No.1 categorically submits that the Municipal Corporation, Bhilai is not claiming any ownership on the private land of the petitioner wherein tube-well is installed. Further, he submits that it was not installed by the

(39)

respondent No.1 and the respondent No.1 has no right over the said tube-well. It is for the petitioners to use it or close it.

3. In view of the categorical statement made by learned counsel appearing for the respondent No.1, nothing survives in this matter.
4. Consequently, the petition is disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur